

REMARKS/ARGUMENTS

Applicants appreciate that the Examiner has indicated that Claims 1-2, 4-6, 8-9, and 11-15 are allowed.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lan, et al. (US 20040214582) in view of Dicker, et al. (USPN 7,068,992).

MPEP § 2141.03 requires:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Regarding Claim 7, the Examiner asserts that Lan teaches the elements of Applicants claimed invention, namely “a wireless data communication system supporting an (sic) data transmission protocol including a plurality of wireless data communication terminals ..., wherein the terminals share a data communication resource ..., and each of the terminals is operable to receive channel status information from a wireless serving communication terminal on an outbound channel ... and to transmit data to said wireless serving communication terminal on an inbound channel ..., each wireless data communication terminal comprising a processor operable to monitor channel status symbols inserted on the outbound channel ...; and to regulate time intervals between successive data transmissions on ... said inbound channel dependent upon said monitored channel status symbols inserted on the outbound channel Lan fails to specifically disclose (sic) wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system. However, Massie teaches wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system (col. 11, lines 24-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use

wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system as taught by Lan with Massie teaching in order to provides (sic) minimizing the loss of information in wireless communications.” Office Action, August 18, 2006, pages 2-3.

It is noted that the Examiner’s reliance upon Massie appears to be misplaced. The Examiner is correct in stating that Lan fails to disclose wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system and points to Massie for such a teaching.

Described by Massie is “a system and method of polling wireless devices having a substantially fixed geographic location, and optionally receiving data from one or more of the polled devices, in a manner that efficiently utilizes network resources.” Massie, abstract. In such a context, the network is described as “a terrestrial wireless two-way data network that is based on Motorola’s Radio Data-Link Procedure (RD-LAP) technology. RD-LAP is a radio frequency (RF) protocol used for communicating between wireless devices 402, 404, 406 and base stations 410.” Massie, col. 11, lines 24-34. Thus, Massie discloses a wireless two-way data network that is based on known RD-LAP technology. Nowhere, does Massie teach, either expressly or inherently, Applicants’ claimed limitation to “time intervals [being] adaptive time intervals in the RD-LAP wireless data communication system.”

The Examiner appears to be stating that Massie’s disclosure of a wireless two-day data network that is based on known RD-LAP technology to be a disclosure to “time intervals in the RD-LAP network being “adaptive.” This is not true. As noted by Applicants’ specification in the background section on page 4, a known RD-LAP network is based upon “fixed” time intervals.

In [a] RD-LAP data communication system, it is known that existing data (modulator/demodulator) modems regulate the traffic loading on the data communication system in order to minimise collisions between different transmitting data units. The regulation is achieved by the communicating

modems inserting a fixed time interval, a so called 'SDU time interval', between two successive messages, as shown in relation to FIG. 3.

Thus, as recognized by Applicants' specification, known RD-LAP systems are based upon communications where fixed time intervals are used to minimize collisions between transmitting data units. Massie only describes a known RD-LAP system. As such, Massie's RD-LAP description necessarily requires that communications in the known RD-LAP system are based upon fixed time intervals. As such, the Examiner should not read Applicants' limitation to "time intervals [being] adaptive time intervals in the RD-LAP wireless data communication system" as described by Massie.

Thus, the limitation to "time intervals [being] adaptive time intervals in the RD-LAP wireless data communication system" is missing from the Massie reference. Nowhere does Massie teach, suggest or make obvious these limitations as required by MPEP § 2141.03. Since such a limitation is not taught or suggested by the Massie reference, the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn. For the reasons set forth above, Applicants submit that the Examiner has incorrectly rejected Claim 7 and request the allowability of Claim 7.

Applicants believe that all the claims are now in condition for allowance, in addition to the allowable claims and pray that an early notice of allowance will issue.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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